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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,446	08/21/2001	Rajesh Saluja	14039BAUS01U	7311
34845	7590	11/30/2005	EXAMINER	
STEUBING AND MCGUINNESS & MANARAS LLP			BOAKYE, ALEXANDER O	
125 NAGOG PARK			ART UNIT	
ACTON, MA 01720			PAPER NUMBER	
			2667	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,446

Applicant(s)

SALUJA ET AL.

Examiner

ALEXANDER BOAKYE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-14 and 22-30 is/are allowed.
- 6) ☒ Claim(s) 1 and 15 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 16-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (US Patent # 6,636,895).

Regarding claim 1, Li teaches a method for distributing routing information (column 10, lines 54-56), the method comprising: establishing an initial bootstrap topology connecting a plurality of nodes (column 10, lines 25-39 ; the claimed plurality of nodes reads on plurality of border devices as indicated Fig. 5); and distributing the routing information over the initial bootstrap topology (column 6, lines 20-32 ; column 10, lines 25-33). Li does not explicitly disclose optical virtual private network but since virtual private network is well known in the art and communication channel could either be a wireless, a cable or an optical, one of ordinary skill in the art would have been motivated to incorporate optical virtual private network into communication network in order to transmit data optically. Therefore, it would have been obvious to an artisan at

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the time of invention to use optical virtual private network in the communication network with the motivation being that it provides capability for the system to transmit data optically thus ensuring encryption and authentication.

Regarding claim 15, Li discloses a communication system comprising a plurality of nodes interconnected (column 10, lines 56-62), wherein the plurality of nodes establish an initial bootstrap topology and distribute routing information over the initial bootstrap topology (column 6, lines 20-32; column 10, lines 25-39). Li does not explicitly disclose optical virtual private network but since virtual private network is well known in the art and communication channel could either be a wireless, a cable or an optical, one of ordinary skill in the art would have been motivated to incorporate optical virtual private network into communication network in order to transmit data optically. Therefore, it would have been obvious to an artisan at the time of invention to use optical virtual private network in the communication network with the motivation being that it provides capability for the system to transmit data optically thus ensuring encryption and authentication.

Allowable Subject Matter

2. Claims 2-7 and 16-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-14 and 22-30 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: As to claims 8-14, the prior art of record does not teach peer discovery logic operably coupled to identify a number of peer nodes in the optical virtual private network; prioritization logic operably coupled to determine a relative priority for each of the plurality of nodes in the optical virtual private network; and connection establishment logic operably coupled to establish a communication connection to one and only one lower priority peer node provided a lower priority peer nodes exists.

As to claims 22-30, the prior art of record does not teach peer discovery logic programmed to identify a number of peer nodes in the optical virtual private network; prioritization logic programmed to determine a relative priority for each of the plurality of nodes in the optical virtual private network; and connection establishment logic programmed to establish a communication connection to one and only one lower priority peer node provided a lower priority peer nodes exists.

Response to Arguments

3. Applicant's arguments filed 08/25/05 have been fully considered but they are not persuasive.

A. At page 10 in claims 1 and 15, applicant argued that he is unable to find any teaching in that passage of the claimed function of establishing an initial bootstrap topology from the passage cited by the examiner. Indeed, applicant asserted that the

passage actually teaches that a bootstrap device collects routing information from the border devices.

B. In response, the examiner maintains that Li discloses establishing an initial bootstrap topology connecting a plurality of nodes (column 10, lines 25-39; the claimed plurality of nodes read on the plurality of border devices as indicated in Fig. 5); and distributing the routing information over the initial bootstrap topology (column 6, lines 20-32; column 10, lines 25-33 ; the bootstrap device distributes routing information from the border devices).

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

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5. Any inquiry concerning this communication of earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3183. The fax number is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Electronic Business Center numbers 866-305-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

AB

11/27/05


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 22 11/28/05